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Attorneys for Respondent

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JASON J. PAYNE.

Petitioner,

JOE MCGRATH, Warden,

Respondent.

C 07-4712 JSW (PR)

**APPLICATION FOR
ENLARGEMENT OF TIME
TO FILE ANSWER OR
RESPONSIVE MOTION**

For the reasons stated in the accompanying declaration of counsel, respondent hereby requests a 30-day enlargement of time until April 28, 2008, within which to answer the petition for writ of habeas corpus in this case or file any other appropriate motion. As explained in the declaration, counsel for respondent has obtained the state court appellate record and is preparing it for lodging, but has been burdened by earlier-assigned cases. A stipulation has not been sought because petitioner is an incarcerated state prisoner who is representing himself.

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1 WHEREFORE, respondent respectfully requests that this Court grant an extension of time
2 to and including April 28, 2008, in which to file the answer.

3 Dated: March 31, 2007

4 Respectfully submitted,

5 EDMUND G. BROWN JR.
Attorney General of the State of California

6 DANE R. GILLETTE
Chief Assistant Attorney General

7 GERALD A. ENGLER
Senior Assistant Attorney General

8 PEGGY S. RUFFRA
Supervising Deputy Attorney General

11 /s/ Catherine A. Rivlin

12 CATHERINE A. RIVLIN
Supervising Deputy Attorney General
13 Attorneys for Respondent

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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: *Jason J. Payne v. Joe McGrath, Warden*

No.: **C 07-4712 JSW (PR)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On April 1, 2008, I served the attached:

- 1. APPLICATION FOR ENLARGEMENT OF TIME TO FILE ANSWER OR RESPONSIVE MOTION;**
- 2. DECLARATION COUNSEL IN SUPPORT OF SUPPORT OF APPLICATION FOR ENLARGEMENT OF TIME; and 3. ORDER**

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Jason J. Payne
SPN# V-26575
Pelican Bay State Prison
P.O. Box 7500
Crescent City, CA 95531-7000

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on April 1, 2008, at San Francisco, California.

J. Espinosa

Declarant

/s/ J. Espinosa

Signature